

House File 95 - Introduced

HOUSE FILE 95
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 8)

A BILL FOR

1 An Act establishing a requirement for voters to provide certain
2 identification when voting in person and including effective
3 date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 48A.7A, subsection 1, paragraph a, Code
2 2011, is amended to read as follows:

3 a. A person who is eligible to register to vote and to vote
4 may register on election day by appearing in person at the
5 polling place for the precinct in which the individual resides
6 and completing a voter registration application, making written
7 oath, and providing proof of identity and residence proof of
8 residence pursuant to paragraph "b".

9 Sec. 2. Section 48A.7A, subsection 1, paragraph b, Code
10 2011, is amended to read as follows:

11 b. (1) For purposes of this section, a person may establish
12 ~~identity and residence by presenting to the appropriate~~
13 ~~precinct election official a current and valid Iowa driver's~~
14 ~~license or Iowa nonoperator's identification card or by~~
15 ~~presenting any of the following current and valid forms of~~
16 ~~identification if such identification contains the person's~~
17 ~~photograph and a validity expiration date: by showing proof of~~
18 identification as required in section 49.77, subsection 3.

19 ~~{a} An out-of-state driver's license or nonoperator's~~
20 ~~identification card.~~

21 ~~{b} A United States passport.~~

22 ~~{c} A United States military identification card.~~

23 ~~{d} An identification card issued by an employer.~~

24 ~~{e} A student identification card issued by an Iowa high~~
25 ~~school or an Iowa postsecondary educational institution.~~

26 (2) ~~If the photographic identification presented does not~~
27 ~~contain the person's current address in the precinct, For~~
28 purposes of this section, a person may establish residence
29 using proof of identification presented pursuant to section
30 49.77, subsection 3, if the proof of identification contains
31 the person's current address in the precinct. If the proof of
32 identification does not contain the person's current address
33 in the precinct, the person shall also present one of the
34 following documents that shows the person's name and current
35 address in the precinct:

- 1 (a) Residential lease.
- 2 (b) Property tax statement.
- 3 (c) Utility bill.
- 4 (d) Bank statement.
- 5 (e) Paycheck.
- 6 (f) Government check.
- 7 (g) Other government document.

8 Sec. 3. Section 48A.7A, subsection 1, paragraph c, Code
9 2011, is amended by striking the paragraph.

10 Sec. 4. Section 48A.7A, subsections 2 and 3, Code 2011, are
11 amended to read as follows:

12 2. The oath required in subsection 1, paragraph "a", and in
13 ~~paragraph "c", if applicable,~~ shall be attached to the voter
14 registration application.

15 3. At any time before election day, and after the deadline
16 for registration in section 48A.9, a person who appears in
17 person at the commissioner's office or at a satellite absentee
18 voting station or whose ballot is delivered to a health care
19 facility pursuant to section 53.22 may register to vote and
20 vote an absentee ballot by following the procedure in this
21 section for registering to vote on election day. A person who
22 wishes to vote in person at the polling place on election day
23 and who has not registered to vote before the deadline for
24 registering in section 48A.9, is required to register to vote
25 at the polling place on election day following the procedure
26 in this section. However, the person may complete the voter
27 registration application at the commissioner's office and,
28 after the commissioner has reviewed the completed application,
29 may present the application to the appropriate precinct
30 election official along with proof of ~~identity and residency~~
31 identification and proof of residence.

32 Sec. 5. Section 48A.7A, subsection 4, paragraph b, Code
33 2011, is amended by striking the paragraph.

34 Sec. 6. Section 48A.8, subsection 2, unnumbered paragraph
35 1, Code 2011, is amended to read as follows:

1 An eligible elector who registers by mail and who has
2 not previously voted in an election for federal office in
3 the county of registration shall be required to provide
4 additional identification documents when voting for the first
5 time in the county, unless the registrant provided on the
6 registration form the registrant's Iowa driver's license
7 number, or the registrant's Iowa nonoperator's identification
8 card number, or the last four numerals of the registrant's
9 social security number and the driver's license, nonoperator's
10 identification, or partial social security number matches
11 an existing state or federal identification record with the
12 same number, name, and date of birth. If the registrant
13 is required to show additional identification under this
14 subsection and votes in person at the polls, or by absentee
15 ballot at the commissioner's office or at a satellite voting
16 station, the registrant shall provide a current and valid
17 photo identification card, or shall present to the appropriate
18 election official one of the following current documents that
19 shows the name and address of the registrant:

20 Sec. 7. Section 48A.8, subsection 4, Code 2011, is amended
21 to read as follows:

22 4. A registrant under subsection 2 who is required to
23 present additional identification when casting a ballot in
24 person shall be permitted to vote a provisional ballot if the
25 voter does not provide the required additional identification
26 documents pursuant to subsection 2. If a voter who is required
27 to present such additional identification when casting a ballot
28 votes an absentee ballot by mail, the ballot returned by the
29 voter shall be considered a provisional ballot pursuant to
30 sections 49.81 and 53.31.

31 Sec. 8. Section 48A.27, subsection 4, paragraph c,
32 subparagraph (2), Code 2011, is amended to read as follows:

33 (2) The notice shall contain a statement in substantially
34 the following form:

1 Information received from the United States postal service
 2 indicates that you are no longer a resident of, and therefore
 3 not eligible to vote in (name of county) County, Iowa. If this
 4 information is not correct, and you still live in (name of
 5 county) County, please complete and mail the attached postage
 6 paid card at least ten days before the primary or general
 7 election and at least eleven days before any other election at
 8 which you wish to vote. If the information is correct and you
 9 have moved, please contact a local official in your new area
 10 for assistance in registering there. ~~If you do not mail in~~
 11 ~~the card, you may be required to show identification before~~
 12 ~~being allowed to vote in (name of county) County.~~ If you do not
 13 return the card, and you do not vote in an election in (name
 14 of county) County, Iowa, on or before (date of second general
 15 election following the date of the notice) your name will be
 16 removed from the list of voters in that county.

17 Sec. 9. Section 48A.29, subsection 1, paragraph b, Code
 18 2011, is amended to read as follows:

19 b. The notice shall contain a statement in substantially the
 20 following form:

21 Information received from the United States postal service
 22 indicates that you are no longer a resident of (residence
 23 address) in (name of county) County, Iowa. If this information
 24 is not correct, and you still live in (name of county) County,
 25 please complete and mail the attached postage paid card at
 26 least ten days before the primary or general election and at
 27 least eleven days before any other election at which you wish
 28 to vote. If the information is correct, and you have moved,
 29 please contact a local official in your new area for assistance
 30 in registering there. ~~If you do not mail in the card, you may~~
 31 ~~be required to show identification before being allowed to vote~~
 32 ~~in (name of county) County.~~ If you do not return the card, and
 33 you do not vote in some election in (name of county) County,
 34 Iowa, on or before (date of second general election following

1 the date of the notice) your name will be removed from the list
2 of voters in that county.

3 Sec. 10. Section 48A.29, subsection 3, paragraph b, Code
4 2011, is amended to read as follows:

5 b. The notice shall contain a statement in substantially the
6 following form:

7 Information received by this office indicates that you are no
8 longer a resident of (residence address) in (name of county)
9 County, Iowa. If the information is not correct, and you still
10 live at that address, please complete and mail the attached
11 postage paid card at least ten days before the primary or
12 general election and at least eleven days before any other
13 election at which you wish to vote. If the information is
14 correct, and you have moved within the county, you may update
15 your registration by listing your new address on the card and
16 mailing it back. If you have moved outside the county, please
17 contact a local official in your new area for assistance in
18 registering there. ~~If you do not mail in the card, you may be~~
19 ~~required to show identification before being allowed to vote in~~
20 ~~(name of county) County.~~ If you do not return the card, and you
21 do not vote in some election in (name of county) County, Iowa,
22 on or before (date of second general election following the
23 date of the notice) your name will be removed from the list of
24 registered voters in that county.

25 Sec. 11. Section 49.77, subsection 3, Code 2011, is amended
26 by striking the subsection and inserting in lieu thereof the
27 following:

28 3. a. A precinct election official shall require the voter
29 to produce for inspection proof of identification before being
30 allowed to sign the voter roster or declaration of eligibility.

31 b. For purposes of this section, "*proof of identification*"
32 refers to a document that satisfies all of the following:

33 (1) The document shows the name of the individual to whom
34 the document was issued which shall conform to the name on the
35 election register.

1 (2) The document shows a photograph of the individual to
2 whom it was issued.

3 (3) If the document contains an expiration date, the
4 document shall not have expired more than sixty days before the
5 document is presented as proof of identification.

6 (4) The document was issued by the government of the United
7 States or the state of Iowa, including documents issued by an
8 institution governed by the state board of regents.

9 c. If a voter is unable or refuses to present proof of
10 identification or the precinct election official determines the
11 proof of identification provided by the voter does not qualify
12 as proof of identification under paragraph "b", the precinct
13 election official shall challenge the voter as provided in
14 section 49.79. If the voter is challenged under this paragraph
15 "c", the voter shall be offered the option to vote a ballot, but
16 only in accordance with section 49.81.

17 Sec. 12. Section 49.77, Code 2011, is amended by adding the
18 following new subsection:

19 NEW SUBSECTION. 3A. If proof of identification is
20 established under subsection 3 to the satisfaction of the
21 precinct election officials, the person may then be allowed to
22 vote.

23 Sec. 13. Section 49.77, subsection 4, paragraphs a and b,
24 Code 2011, are amended to read as follows:

25 a. A person whose name does not appear on the election
26 register of the precinct in which that person claims the right
27 to vote shall not be permitted to vote, unless the person
28 affirms that the person is currently registered in the county
29 and presents proof of identity, ~~or the commissioner informs~~
30 ~~the precinct election officials that an error has occurred~~
31 ~~and that the person is a registered voter of that precinct~~
32 identification pursuant to subsection 3. If the commissioner
33 finds no record of the person's registration but the person
34 insists that the person is a registered voter of that precinct,
35 the precinct election officials shall allow the person to cast

1 a ballot in the manner prescribed by section 49.81.

2 *b.* If the voter informs the precinct election official that
3 the voter resides in the precinct and is not registered to
4 vote, the voter may register to vote pursuant to section 48A.7A
5 and cast a ballot. If such a voter is unable to establish
6 identity and residency in the manner provided in section
7 48A.7A, subsection 1, paragraph "*b*" ~~or "*c*"~~, the voter shall be
8 allowed to cast a ballot in the manner prescribed by section
9 49.81.

10 Sec. 14. Section 49.79, subsection 2, Code 2011, is amended
11 by adding the following new paragraph:

12 NEW PARAGRAPH. *h.* The challenged person was unable or
13 refused to provide proof of identification, or provided
14 insufficient proof of identification, pursuant to section
15 49.77, subsection 3.

16 Sec. 15. Section 49.81, subsection 1, Code 2011, is amended
17 to read as follows:

18 1. A prospective voter who is prohibited under section
19 48A.8, subsection 4, section 49.77, subsection 3 or 4, section
20 49.80, or section 53.19, subsection 3, from voting except under
21 this section shall be notified by the appropriate precinct
22 election official that the voter may cast a provisional
23 ballot. The voter shall mark the ballot and immediately
24 seal it in an envelope of the type prescribed by subsection
25 4. The voter shall deliver the sealed envelope to a precinct
26 election official who shall deposit it in an envelope marked
27 "provisional ballots". The ballot shall be considered as
28 having been cast in the special precinct established by section
29 53.20 for purposes of the postelection canvass.

30 Sec. 16. Section 49.81, subsection 2, paragraph *b*, Code
31 2011, is amended to read as follows:

32 *b.* If the person is casting a provisional ballot because the
33 person ~~failed~~ was unable or refused to provide a required form
34 of identification under section 48A.7A, subsection 1, section
35 48A.8, subsection 4, or section 49.77, subsection 3, a list of

1 the types of acceptable identification and notification that
2 the person must show identification before the ballot can be
3 counted. If a voter is unable or refuses to show proof of
4 identification required under section 49.77, subsection 3,
5 the notification shall also inform the voter of the right to
6 execute an affidavit pursuant to subsection 5.

7 Sec. 17. Section 49.81, Code 2011, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 5. *a.* If a voter casts a provisional
10 ballot pursuant to section 49.77, subsection 3, the precinct
11 election official shall indicate on the provisional ballot
12 envelope that the voter was challenged for the voter's
13 inability or refusal to provide proof of identification.
14 *b.* No later than noon on the Monday following the election,
15 a voter challenged pursuant to section 49.77, subsection 3,
16 paragraph "c", shall appear at the commissioner's office
17 and execute an affidavit in the form prescribed by the state
18 commissioner, affirming that the voter is the same individual
19 who personally appeared before the precinct election board and
20 cast the provisional ballot on election day. The voter must
21 also present proof of identification required by section 49.77,
22 subsection 3, or further affirm either of the following:

23 (1) The voter is indigent and unable to obtain proof of
24 identification without the payment of a fee.

25 (2) The voter has a religious objection to being
26 photographed.

27 *c.* If the board determines that the voter has been
28 challenged solely for the inability or refusal of the voter to
29 provide proof of identification and the voter presents proof
30 of identification or executes the affidavit, as provided in
31 paragraph "b", the board shall find that the provisional ballot
32 is valid and direct that it be counted.

33 Sec. 18. Section 53.10, subsection 2, Code 2011, is amended
34 to read as follows:

35 2. Each person who wishes to vote by absentee ballot at

1 the commissioner's office shall first sign an application for
2 a ballot including the following information: name, current
3 address, and the election for which the ballot is requested.
4 The person may report a change of address or other information
5 on the person's voter registration record at that time. The
6 person must also provide proof of identification pursuant to
7 section 49.77, subsection 3, before receiving an absentee
8 ballot. Upon receipt of a ballot, the registered voter
9 shall immediately mark the ballot; enclose the ballot in a
10 secrecy envelope, if necessary, and seal it in an affidavit
11 envelope; subscribe to the affidavit on the reverse side of the
12 envelope; and return the absentee ballot to the commissioner.
13 The commissioner shall record the numbers appearing on the
14 application and affidavit envelope along with the name of the
15 registered voter.

16 Sec. 19. Section 53.22, subsection 1, Code 2011, is amended
17 by adding the following new paragraph:

18 NEW PARAGRAPH. *d.* Before receiving a ballot under
19 this subsection, each applicant shall present proof of
20 identification pursuant to section 49.77, subsection 3, to the
21 special precinct election board members. If an applicant is
22 unable to present proof of identification, the voter's ballot
23 shall be considered a provisional ballot cast pursuant to
24 section 49.81, and the special precinct election board members
25 shall give the voter an opportunity to execute an affidavit
26 in a form prescribed by the state commissioner affirming
27 either of the reasons listed in section 49.81, subsection 5,
28 paragraph "b", or that the voter is confined to the health care
29 facility or hospital and therefore unable to obtain proof of
30 identification.

31 Sec. 20. Section 144.46, Code 2011, is amended by adding the
32 following new subsection:

33 NEW SUBSECTION. 3. The fees adopted by the department
34 pursuant to subsection 1 shall not be assessed to applicants
35 who execute an affidavit indicating the applicant is obtaining

1 a certified copy of a birth certificate for the purpose of
2 obtaining an Iowa nonoperator's identification card to be used
3 for voting.

4 Sec. 21. Section 321.190, subsection 1, paragraph d, Code
5 2011, is amended to read as follows:

6 d. The fee for a nonoperator's identification card shall
7 be five dollars and the card shall be valid for a period
8 of five years from the date of issuance. A nonoperator's
9 identification card shall be issued without expiration
10 to anyone age seventy or over. If an applicant for a
11 nonoperator's identification card is a foreign national
12 who is temporarily present in this state, the nonoperator's
13 identification card shall be issued only for the length of time
14 the foreign national is authorized to be present as determined
15 by the department, not to exceed two years. An issuance fee
16 shall not be charged for a person whose driver's license or
17 driving privilege has been suspended under section 321.210,
18 subsection 1, paragraph "a", subparagraph (3), or for a person
19 obtaining an identification card to be used under section
20 49.77, subsection 3, for voting purposes.

21 Sec. 22. EFFECTIVE DATE AND APPLICABILITY. This Act takes
22 effect January 1, 2012, and applies to elections held on or
23 after that date.

24 EXPLANATION

25 This bill requires that all voters show proof of
26 identification, as defined in the bill, before being allowed
27 to vote at the polls or to vote an absentee ballot in person
28 at the commissioner's office or at a satellite absentee voting
29 station.

30 The bill allows a voter to cast a provisional ballot in
31 certain circumstances where the voter is unable to provide or
32 refuses to provide the required proof of identification. If
33 a voter casts a provisional ballot for this reason, the voter
34 has until the Monday following the election to appear at the
35 commissioner's office to present proof of identification or to

1 execute an affidavit.

2 The bill amends Code section 48A.7A, relating to election
3 day and in-person absentee voter registration, to require that
4 the forms of identification necessary to register in this
5 manner are the same forms of proof of identification necessary
6 to vote. The bill retains the current requirement that if the
7 proof of identification offered for election day and in-person
8 absentee registration does not contain a current address, the
9 registrant must provide proof of residency.

10 Code section 48A.7A is also amended to strike the provision
11 allowing another registered voter to sign an oath affirming a
12 registrant's identity and residency.

13 The bill makes corresponding amendments regarding
14 identification requirements for certain persons who register to
15 vote by mail and for registered voters who do not respond to a
16 confirmation card sent by the county commissioner of elections.

17 The bill amends Code section 144.46, relating to obtaining
18 a certified copy of a birth certificate, to provide that the
19 fee for the document shall not be charged to a person who
20 executes an affidavit indicating the applicant is obtaining
21 the birth certificate in order to obtain an Iowa nonoperator's
22 identification card for the purposes of voting. The bill also
23 amends Code section 321.190 to provide that a person obtaining
24 an Iowa nonoperator's identification card for the purposes of
25 voting is not required to pay an issuance fee for the card.

26 The bill takes effect January 1, 2012, and applies to
27 elections held on or after that date.